

For Commission Use Only:

Case: 05-0415

**AMENDED  
FORMAL COMPLAINT**

Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, Illinois 62701

**ORIGINAL**

**AMERICANA TOWERS CONDOMINIUM ASSOCIATION**

Regarding a complaint by (Person making the complaint):

**Commonwealth Edison Company**

Against (Utility name):

**Refusal to refund our overpayments for electricity**

As to (Reason for complaint):

in **Chicago** Illinois.

**TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:**

My mailing address is

**1636 N. Wells Street - Chicago, Illinois 60614**

The service address that I am complaining about is

**1636 N. Wells Street - Chicago, Illinois 60614**

My home telephone is

[ ]

Between 8:30 A.M. and 5:00 P.M. weekdays, I can be reached at

[ 312 ] 642-2505

(Full name of utility company) **Commonwealth Edison Company** (respondent) is a public utility and is subject to the provisions of the Illinois Public Utilities Act.

In the space below, list the specific section of the law, Commission rule(s), or utility tariffs that you think is involved with your complaint.

**83 Illinois Administrative Code Section 280.75 Refunds**

**Illinois Commerce Commission Public Utilities Act 5/9-252.1 Refunds**

**Illinois Commerce Commission Public Utilities Act Article IX Sec. 9-101 Rates**

**Illinois Commerce Commission Public Utilities Act Article IX Sec. 9-240 Rates**

**Illinois Commerce Commission Public Utilities Act Article IX Sec. 9-252 Rates**

**Illinois Commerce Commission Public Utilities Act Article VIII Sec. 8-402 Service Obligations**

**83 Illinois Administrative Code Section 290.10 Good Faith and Fair Dealing**

Have you contacted the Consumer Services Division of the Illinois Commerce Commission about your complaint?

☒ Yes ☐ No

Has your complaint filed with that office been closed?

☒ Yes ☐ No

Please state your complaint briefly. Number each of the paragraphs. Please include time period and dollar amounts involved with your complaint. Use an extra sheet of paper if needed.

During certain months of the 86 month period, from 05/13/92 until 07/12/99, Commonwealth Edison Company billed us \$41,278.19 more for incorrectly measuring the quantity or volume of electricity than we actually consumed, and also during some of those months and also during other months within the same period, they also charged us \$47,625.36 more on higher rates - on an incorrect class of service - for our electricity than we qualified for.

We first had conclusive knowledge of ComEd's errors in December 2002 and then requested a refund = \$88,903.55 within our letter dated 01/28/03; then notified the I.C.C. on 07/02/04. (See the attached affidavits)

ComEd took our money, which has now accumulated to be over \$100,000, including interest, and they manufactured an excuse to keep it, saying that our claim was "time-barred".

Our earliest suspicion of ComEd's mistakes was in August/September 2002; then, we filed an Informal Complaint with the I.C.C. 22 months later on 07/02/04, well within the 24 month time required as stated within the I.C.C. Public Utilities Act 5/9-252.1.

Please clearly state what you want the Commission to do in this case:

Compel Commonwealth Edison Company to return our overpayments for electricity with interest = \$100,000.00, which they didn't earn and the validity of which they are not contesting.

Date: January 24, 2006  
(Month, day, year)

Complainant's Signature

*John Armetta*  
*Manager*  
*SUBLER, Agent*

If an attorney will represent you, please give the attorney's name, address, and telephone number.

You need to file the original with the Commission. Also, provide one copy for each utility complained about (referred to as respondents).

#### VERIFICATION

A notary public must witness the completion of this part of the form.

I, John Armetta, first being duly sworn, say that I have read the above petition and know what it says.  
The contents of this petition are true to the best of my knowledge.

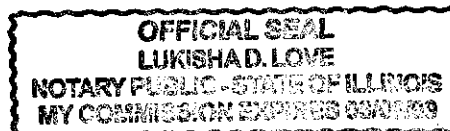
(Signature)

*John Armetta*

Subscribed and sworn/affirmed to before me on (month, day, year)

01/24/06

Notary Public, Illinois



**NOTE:** Failure to answer all of the questions on this form may result in this form being returned without processing. If you have questions, please call the counselor in the Consumer Services Division that handled your informal complaint.